

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:13-CV-00079-RLV-DSC**

**JASON DAVID BROWN, LASZLO )  
BOZSO, AND MERIS DUDZIC, )  
INDIVIDUALLY AND ON BEHALF OF )  
ALL OTHERS SIMILARLY SITUATED, )**

**Plaintiffs,**

**v.**

**LOWE’S COMPANIES, INC., AND )  
FIRST ADVANTAGE BACKGROUND )  
SERVICES CORP. F/K/A LEXISNEXIS )  
SCREENING SOLUTIONS, INC., )**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on its own motion. It has come to the Court’s attention that the parties object to the Order filed April 15, 2016 (Doc. No. 115), which denied-as-moot Defendant First Advantage Background Services Corporation’s Motion for Partial Summary Judgment (Doc. No. 106) (the “Motion”) following the filing of the Plaintiffs’ Third Amended Complaint (Doc. No. 114). In the Court’s opinion, such a circumstance moots any pending dispositive motion because the amended allegations contained in a superseding complaint could address, alter, or moot the substantive argument(s) contained in any such motion. However, in the interests of judicial economy, the Court will exercise its discretion to reconsider its April 15, 2016 Order if circumstances demonstrate that reconsideration is appropriate.

**IT IS, THEREFORE, ORDERED THAT** the parties shall file, no later than **APRIL 22, 2016**, jointly or otherwise, a statement indicating whether they consider the Third Amended Complaint to have had any substantive effect upon the arguments contained in Defendant First

Advantage's Motion. If not, the parties shall indicate whether they move the Court to vacate the April 15, 2016 Order, to reinstate the Motion as having been made against the counterpart claims contained in the Third Amended Complaint, and to reset all response deadlines. If any party objects to the reinstatement of the Motion based upon a substantive change contained in the Third Amended Complaint, the Court shall not vacate the April 15, 2016 Order. Any such objection and/or substantive disagreement must be addressed if and/or when Defendant refiles its Motion. In the future, any objections to the Court's orders shall be made on the record and by a timely-filed motion for reconsideration *only*.

**SO ORDERED.**

Signed: April 19, 2016

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

